

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 February 13, 2023

11 3:39 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BAILEY: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BAILEY: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection and/or prayer.

11 (Whereupon, the assemblage respected
12 a moment of silence.)

13 ACTING PRESIDENT BAILEY: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Friday,
16 February 10, 2023, the Senate met pursuant to
17 adjournment. The Journal of Thursday,
18 February 9, 2023, was read and approved. On
19 motion, the Senate adjourned.

20 ACTING PRESIDENT BAILEY: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Breslin

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 2200 and substitute it for
3 the identical Senate Bill 836, Third Reading
4 Calendar 45.

5 Senator Breslin moves to discharge,
6 from the Committee on Rules, Assembly Bill
7 Number 973 and substitute it for the identical
8 Senate Bill 839, Third Reading Calendar 48.

9 Senator Kennedy moves to discharge,
10 from the Committee on Rules, Assembly Bill
11 Number 602 and substitute it for the identical
12 Senate Bill 840, Third Reading Calendar 49.

13 Senator Skoufis moves to discharge,
14 from the Committee on Rules, Assembly Bill
15 Number 971 and substitute it for the identical
16 Senate Bill 844, Third Reading Calendar 53.

17 ACTING PRESIDENT BAILEY: So
18 ordered.

19 Messages from the Governor.
20 Reports of standing committees.
21 Reports of select committees.
22 Communications and reports from
23 state officers.

24 Motions and resolutions.

25 Senator Gianaris.

1 SENATOR GIANARIS: Good afternoon,
2 Mr. President.

3 ACTING PRESIDENT BAILEY: Good
4 afternoon.

5 SENATOR GIANARIS: We're going to
6 begin with an introduction. Please recognize
7 Senator Kennedy.

8 ACTING PRESIDENT BAILEY: Senator
9 Kennedy for the purposes of an introduction.

10 SENATOR KENNEDY: Thank you,
11 Mr. President.

12 I am honored to welcome Rhonda
13 Frederick to the chamber today. I ask Rhonda to
14 stand and be recognized.

15 Rhonda is joined today by many
16 extraordinary leaders, advocates, and parents
17 from Western New York, including my friends
18 Kevin Horrigan, Mindy Cervoni, Renee Phillips,
19 Kathy Bunce, Wendy McCarthy, Kim Kadzolka, and
20 Ernie Heywood.

21 Rhonda is a Western New York native
22 and someone who's dedicated her life to helping
23 improve the lives of others, particularly those
24 within the community of people with disabilities.

25 She began her career at People Inc.

1 in 1980, working in group homes and dayhab
2 programs, and over the course of the last four
3 decades that commitment has never wavered.

4 In fact, her dedication has grown
5 exponentially. She was appointed president and
6 CEO of People Inc., Western New York's largest
7 human service provider, in the fall of 2014.
8 Rhonda led more than 3400 employees and oversaw
9 residential day services, in-home support, senior
10 services, program development, and so much more.

11 She is the reason so many have
12 access to the services that they need. She is
13 the vision behind so much of People Inc.'s growth
14 and expansion into our community. And she is the
15 reason so many people feel empowered to use their
16 voice and fight for more opportunities and better
17 person-centered care.

18 After all her years of service,
19 Rhonda is entering the next chapter of her life,
20 retirement. And although we will deeply miss her
21 advocacy and her dedication to our community, we
22 will continue to see her impact in the lives she
23 changed and the services that are here because of
24 her tireless work.

25 Rhonda, thank you for all that

1 you've done for so many across our community in
2 Western New York, and across our great state,
3 over so many years. Thank you for your
4 compassion and your strength, and thank you for
5 always leading with your heart. May the years
6 ahead bring you joy and some well-deserved rest.

7 Mr. President, I ask you to
8 acknowledge Rhonda Frederick's lifetime of
9 service and extend to her all of the privileges
10 of this chamber.

11 Congratulations.

12 MS. FREDERICK: Thank you.

13 ACTING PRESIDENT BAILEY: To
14 Ms. Frederick, we welcome you. I welcome you on
15 behalf of the Senate. We extend to you all of
16 the privileges and courtesies of this house.

17 Please rise and be recognized.

18 (Standing ovation.)

19 ACTING PRESIDENT BAILEY: Senator
20 Gianaris.

21 SENATOR GIANARIS: Mr. President,
22 next we're going to move on for another
23 introduction.

24 Please recognize Senator Salazar.

25 ACTING PRESIDENT BAILEY: Senator

1 Salazar for the purposes of an introduction.

2 SENATOR SALAZAR: Thank you,
3 Mr. President.

4 I would like to welcome several
5 guests who are joining us today, members of the
6 Williamsburg Shomrim visiting us from my
7 district.

8 The Hasidic Jewish community in our
9 Senate district includes tens of thousands of
10 people who have lived in Williamsburg for
11 generations. Many Hasidic Jews first moved to
12 the neighborhood from what was at the time the
13 10th Ward of the Lower East Side, which was very
14 overcrowded, where Eastern European Jews lived in
15 the years before World War II. By the late 1940s
16 and the early 1950s, the Williamsburg Hasidic
17 community grew further as Holocaust survivors,
18 many of whom were Hasidic Jews from rural areas
19 of Hungary and Romania, settled in Brooklyn.

20 The Williamsburg Shomrim was founded
21 in 1977 by a Holocaust survivor named Rabbi Moshe
22 Huffman, who gathered some volunteers to assist
23 the neighborhood in response to a wave of violent
24 muggings targeting Jewish residents.

25 Shomrim became a neighborhood

1 organization for safety and crime-related matters
2 in the community, which continues to be the
3 majority of calls taken by Shomrim today. The
4 vast majority of Shomrim members work night
5 shifts as a portal unit for a few hours a week.

6 Today, Shomrim of Williamsburg
7 consists of over 100 volunteer members, a fleet
8 of community patrol cars with a mobile
9 communication truck, and a command center.
10 Shomrim also conducts weekly trainings as needed,
11 led by the members on duty.

12 In the face of acts of hate that
13 have targeted Hasidic Jews in Williamsburg, the
14 daily work of Shomrim is as crucial as ever.
15 Many Hasidic residents in Williamsburg call
16 Shomrim in an emergency because Shomrim is
17 typically able to respond even more quickly than
18 the police. They know the neighborhood well, and
19 they are able to speak Yiddish to meet residents'
20 language access needs.

21 I ask you to please recognize the
22 Shomrim members who have joined us today in the
23 Senate and extend to them all the privileges of
24 the house.

25 Thank you.

1 ACTING PRESIDENT BAILEY: Thank
2 you, Senator Salazar.

3 To our guests, I welcome you on
4 behalf of the Senate. We extend to you all of
5 the privileges and courtesies of this house.

6 Please rise and be recognized.

7 (Standing ovation.)

8 ACTING PRESIDENT BAILEY: Senator
9 Gianaris.

10 SENATOR GIANARIS: Please take up
11 the reading of the calendar.

12 ACTING PRESIDENT BAILEY: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number 44,
15 Senate Print 835, by Senator Comrie, an act to
16 amend the Public Health Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

19 THE SECRETARY: Section 4. This
20 act shall take effect on the same date and in the
21 same manner as a chapter of the Laws of 2022.

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: Ayes, 56.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number 45,
6 Assembly Print 2200, by Assemblymember McDonald,
7 an act to amend the Insurance Law and the
8 Public Health Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 6. This
12 act shall take effect on the same date and in the
13 same manner as a chapter of the Laws of 2022.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 45, those Senators voting in the
21 negative are Senators Borrello, Gallivan,
22 Oberacker and O'Mara.

23 Ayes, 53. Nays, 4.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number 48,
2 Assembly Print 973, by Assemblymember Gunther, an
3 act to amend the Public Health Law and the
4 Insurance Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect immediately.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 48, voting in the negative:
16 Senator Walczyk.

17 Ayes, 56. Nays, 1.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 49,
21 Assembly Print 602, by Assemblymember Fahy, an
22 act to amend the Highway Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the same date and in the
2 same manner as a chapter of the Laws of 2022.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number 53,
12 Assembly Print Number 971, by Assemblymember
13 Santabarbara, an act to amend the Agriculture and
14 Markets Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the same date and in the
19 same manner as a chapter of the Laws of 2022.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: In relation to

1 Calendar Number 53, those Senators voting in the
2 negative are Senators Ashby, Oberacker, O'Mara
3 and Stec.

4 Ayes, 53. Nays, 4.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number 61,
8 Senate Print 852, by Senator Skoufis, an act to
9 amend the Election Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect on the same date and in the
14 same manner as a chapter of the Laws of 2022.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 284, Senate Print 1032, by Senator Jackson, an
25 act to amend the Arts and Cultural Affairs Law.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

3 THE SECRETARY: Section 3. This
4 act shall take effect immediately.

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: Ayes, 57.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 285, Senate Print 1192, by Senator Persaud, an
15 act to amend the Education Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect immediately.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: In relation to

1 Calendar Number 285, those Senators voting in the
2 negative are Senators Lanza, Oberacker, O'Mara
3 and Ortt.

4 Ayes, 53. Nays, 4.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 286, Senate Print 1988, by Senator Jackson, an
9 act to amend the Education Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect immediately.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 286, voting in the negative:
21 Senator Lanza.

22 Ayes, 56. Nays, 1.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 287, Senate Print 2140A, by Senator Liu, an act
2 to amend the Education Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the 180th day after it
7 shall have become a law.

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Senator
12 May to explain her vote.

13 SENATOR MAY: Thank you,
14 Mr. President.

15 I am proud to support this package
16 of bills that's about teacher diversity in
17 New York State.

18 I had the pleasure of touring a
19 school in my district that was about 90 percent
20 Black students and the rest mostly Latina
21 students. And I went from classroom to
22 classroom, and the white teachers were having a
23 lot of trouble keeping their kids engaged and
24 spending a lot of time on discipline and less on
25 content.

1 And then the final classroom was a
2 young Black teacher who had been a teacher's aide
3 in this school and had come up through the ranks
4 to become a teacher. She was teaching social
5 studies, and the kids were spellbound. And they
6 were falling all over themselves to answer her
7 questions, because she was making it relatable to
8 her own life and to their lives.

9 I -- it was just the perfect
10 illustration of how important teacher diversity
11 is in our schools, and I'm proud that we're
12 passing this legislation.

13 I vote aye. Thank you.

14 ACTING PRESIDENT BAILEY: Senator
15 May to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 291, Senate Print 3385A, by Senator Brisport, an
22 act to establish a task force on educator
23 diversity in New York State.

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

1 THE SECRETARY: Section 4. This
2 act shall take effect immediately.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 291, those Senators voting in the
10 negative are Senators O'Mara and Weik.

11 Ayes, 55. Nays, 2.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 292, Senate Print 3408, by Senator Parker, an act
16 to amend the Education Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect immediately.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar Number 292, voting in the negative:
3 Senator Oberacker.

4 Ayes, 56. Nays, 1.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 Senator Gianaris, that completes the
8 reading of today's calendar.

9 SENATOR GIANARIS: Thank you,
10 Mr. President. If we could return for a moment
11 to motions and resolutions.

12 On behalf of Senator Parker, on
13 page 18 I offer the following amendments to
14 Calendar 237, Senate Print 2935, and ask that
15 said bill retain its place on the Third Reading
16 Calendar.

17 ACTING PRESIDENT BAILEY: The
18 amendments are received, and the bill will retain
19 its place on the Third Reading Calendar.

20 SENATOR GIANARIS: Is there any
21 further business at the desk?

22 ACTING PRESIDENT BAILEY: There is
23 no further business at the desk.

24 SENATOR GIANARIS: Move to adjourn
25 until tomorrow, Valentine's Day, Tuesday,

1 February 14th, at 3:00 p.m.

2 ACTING PRESIDENT BAILEY: On
3 motion, the Senate stands adjourned until
4 tomorrow, February 14th, Valentine's Day, at
5 3:00 p.m.

6 (Whereupon, at 3:53 p.m., the Senate
7 adjourned.)
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